The Southern PATRIOT

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"Time to intensify liberty's light"

. . . It is hard to tell, but presumably the New Orleans Times-Picayune's cartoonist disapproves of the SCEF position on civil rights.

TRIAL-BY-JURY SMOKESCREEN

By the time this issue is delivered we expect that the filibuster over civil rights legislation will be in full fury.

Senator Ives of New York has said that the Dixie bloc can't be stopped, but other political observers detect backstage developments which make the situation more hopeful. These, they say, are: a feeling among some Southern senators that it might be best to concede on the current bill rather than risk more stringent legislation at a later session; and the decision by Republicans that the wooing of Negro voters is more important to them than their traditional alliance with the Dixiecrat faction of the Democratic party.

One certain thing is that the "trial-by-jury" issue has produced a new facet for sophistry by the foes of civil rights action.

The measure before the Senate would enable the U. S. Attorney General to obtain federal injunctions forbidding local officials and others to deprive Negroes of their civil rights.

If these injunctions were violated, then the violators could be punished for contempt of court by the judge who issued the writs—without a trial by jury.

The Attorney General presently can institute criminal proceedings in instances of rights violations. But, as we pointed out in April's **Patriot**, this action comes too late to repair any damage that has been done. Furthermore, since rights violations are usually the product of intense local prejudice, local juries are not likely to give fair hearings to such cases.

However, Southern senators never noted for their friendship toward organized labor have been drawing a parallel between the present injunction proposal and the use of injunctions in labor disputes.

They contend that those who favor jury trials for unionists accused of contempt should also allow that privilege to racists. And this argument has seemingly swayed some senators from the border states.

But as Senator Douglas of Illinois has pointed out: Trial by jury, to be meaningful, means trial by a jury of one's **peers.** The pressure of events in the South has increased the division of white and Negro to the point where few of the former would dare admit publicly that they were the peer of the latter. Verdicts rendered by federal and local juries in the region prove the present impossibility of finding twelve good white men and true who will disregard prejudice in their weighing of evidence.

It is an equal impossibility to find a place where Negroes serve on juries in any significant number. Jury lists are cunningly screened by courthouse functionaries; in some areas, ironically, one must be a registered voter to qualify for jury duty. And, irony of ironies, the federal courts now stipulate that a potential juror there must also be eligible to serve on state juries.

In sum, the average Negro plaintiff or defendant faces a jury as hostile as any judge or jury that framed a martyr of the labor movement.

When, in 1954, the U. S. Supreme Court declared that federal district judges would supervise school desegrega-

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SCEF View: 'Fill the Aching Gap!'

To the Congress of the United States:

The Board of Directors of The Southern Conference Educational Fund, Inc., respectfully urges you to support and pass the Administration's civil rights bill, free from crippling amendments.

We believe that civil rights of all men, consecrated by our constitutional system, are entitled to all means of protection existing in our judicial system. The Administration's bill will fill an aching gap in providing a means of preventive action to protect such rights from encroachment.

We expect such a procedure to prove less onerous to all involved, since the court would in its decree spell out the proper course of action to be taken in a given situation. This can and generally will occur at a time when events have not yet developed to the point where someone has exposed himself to the perils of criminal prosecution. In contrast, the only opportunity which now exists to secure judicial review of a particular civil rights situation requires that a grave violation of the rights has in fact occurred and is of such a serious nature that it amounts to the commission of a crime.

We deplore the confusing proposal of certain persons to attempt to amend the Administration's civil rights bill to ongraft unto it a provision for jury trial, which can only be intended to cripple the enforcement of the law by introducing into the proceeding the very local prejudice against which protection is sought.

The Administration's civil rights bill in providing injunctive relief properly orients the procedure within the historical area of equity jurisdiction of the courts. Jury trial never has been an integral part of equity proceedings. A court's decree is an order to those before it to do or to refrain from doing certain things. A party dissatisfied with the decree has his full rights of appeal and review. In the rare case in which a party refuses to honor the decree of an equity court, the court has the power to punish him for contempt. The contempt powers of equity courts are founded on the fundamental sanctity and authority of the court to enforce its own decree, and not on any concept of crime against the state, in which cases the right to

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Tuskegee Vote Battle

New Boycott Starts in Alabama

The Alabama legislature this month passed a gerrymandering statute designed to discriminate against Negro voters at Tuskegee—and the Negro residents, who have battled long for their right to the ballot, launched a boycott in protest.

The measure, sponsored by state Senator Sam Englehardt of Macon County, where the city and institute of Tuskegee are located, shrinks the city limits so as to exclude the great majority of Negroes. The move had the clear intention to preserve white supremacy in municipal elections.

For years the registrars of voting in Macon have used every conceivable dodge to avoid placing Negroes on the lists—including simply leaving the board of registrars vacant. (See April's **Patriot.**) Although Negroes make up 85 per cent of the county's population, there are 2,900 white voters and only 1,000 Negro voters. In the city of Tuskegee, the proportion is 600 whites and 400 Negroes.

At a mass meeting called to discuss the situation, Dean C. G. Gomillion of Tuskegee Institute declared:

"The political situation is now desperate. We are being denied the opportunity to participate in any civic organizations.

"All members of any board—education, welfare, recreation — in Macon County are white and in complete control over us.

"We have been thwarted when we tried to register ourselves and to vote . . . We have to hunt and find a board of registrars in their hiding places."

Therefore, Gomillion concluded: "We will buy goods and services only from those who will recognize us as first-class citizens and who will help rather than oppress us." And he urged the Negroes of Tuskegee to "refrain from boasting, begging and accepting bribes. Soon the time will come when they will have to respect us. They may hate our guts, but they will respect us."

This marks the first time that the passive-resistance boycott technique has been invoked in the effort to gain political equity. A recent survey of vote registration in Alabama shows how greatly needed some such defensive action is: Of 516,000 eligible Negro adults, only 53,000 are registered. This figure represents a decline from the 60,000 on the rolls in 1952. It is less than half the number registered in Louisiana, a state with roughly the same population.

North Carolina Senate Rejects Snooping Bill

The North Carolina senate this month voted down 26-14 a bill that would have required financial statements and lists of members from any organization "the principal objects of which are the support of, or opposition to, racial separation in the use of public facilities."

The measure, which passed the house in a voice vote, drew opposition from clergymen, including the Rev. Raymond Bost of the N.C. Council of Churches, and from SCEF board members in the state.

One board member, Miss Willson Whitman, declared: "From the language of the proposed legislation as I have seen it quoted, it might be argued that the bill would outlaw the Klan and the White Citizens Councils. For that desirable end, it might almost be worthwhile to penalize those groups which already have the law on their side. But it is obvious that in application, as in intent, the bill would operate against the NAACP . . . . instead of against the Klan and other subversive groups. Such groups can be best controlled by legislation against dissemination of race hatred."

Barnes Case Victory: Belief in SCEF Not Misconduct

A civil district court in New Orleans has ruled that membership on the board of directors of the Southern Conference Educational Fund, Inc., and association with the fund's officers does not deprive one of the right to state unemployment compensation.

The decision was handed down by Judge Louis P. Yarrut in a suit brought by Robert D. Barnes, former editor of the "News Bulletin" of the Chamber of Commerce of the New Orleans Area, against the Chamber of Commerce and the administrator of the division of unemployment security of the state department of labor.

The board of review of the division of unemployment security upheld the action of the administrator in denying Barnes compensation on the grounds that he had been guilty of "misconduct." The misconduct charged against Barnes consisted of his activities and associations in behalf of integration.

Barnes had been warned by the Chamber of Commerce in March, 1956, that his continued employment would depend upon (a.) giving up his activities in behalf of integration; (b.) resigning from the SCEF board; (c.) ceasing to associate with officers of the fund, namely Aubrey W. Williams, president, and Dr. James A. Dombrowski, executive director. When Barnes refused, he was dismissed.

In his ruling, Judge Yarrut stated:

"Neither organization (SCEF and SCHW), nor Dr. Dombrowski, has been judicially charged or proved to be Communist, though hearings recently conducted by the United States Senate Internal Security Commission in New Orleans established that Dr. Dombrowski was connected with many organizations espousing causes lauded by the Communists. The record indicated that the SCHW and its successor, the SCEF, Inc., were organized to improve the economic, social, political, cultural, and spiritual conditions of the people of the South, without regard to race, creed, color or national origin and memberships limited to citizens of 13 Southern States:

"The substance of the evidence against Dr. Dombrowski is that he neither condemned nor excluded Communists from any of his organizations. The gravamen of the evidence against the fund and its members is that they aggressively espoused integration of the races.

"It must be conceded that any individual or private association may, by rule or contract, restrict its membership or employment on racial, religious or political grounds. But no individual or private association of individuals can, by contract or rule make one's religious, political or racial beliefs, or practices, or membership in a labor organization misconduct that could deny him the benefits of a state employment security statute. The Legislature could not constitutionally grant such a right . . . nor could the Legislature, itself, interdict such conduct without violating Amendments 1 and 14 of the United States Constitution guaranteeing freedom of speech, association, immunities, and the equal protection of the law, unless such conduct, speech or association is subversive or treasonable . . .

"The only complaint is that plain-

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Fearful Newspaper Resorts to Smear

As reported in previous issues of the **Patriot**, the New Orleans **Item** fired its long-time drama and music critic, Ewing Poteet, a few days after he signed an SCEF-coordinated petition asking that city buses and trolleys be desegregated.

Subsequently, the American Newspaper Guild unit at the **Item** voted to take this dismissal to arbitration.

As what can only be considered a countermove by the **Item**, the newspaper last month devoted six lengthy articles on its editorial page to the topic "What Is SCEF?"

The **Item's** editor, George Chaplin, himself pronounced the appropriate verdict when he denied the SCEF permission to reprint the articles, saying "no good purpose" would be served.

It amounts to something of a regional tragedy that this newspaper—owned by the once pro-New Deal Stern interests of Philadelphia and noted for its espousal of the Anti-Defamation League and similar causes — should lack the integrity of its frankly Dixiecratic contemporary, the New Orleans Times-Picayune.

The **Item** articles managed not to discuss the SCEF purpose or program and avoided quoting a single SCEF view of racial matters. By contrast, the **Times-Picayune**—though no less hostile—at least has given its readers the gist of the SCEF position and has debated the central issues, as they developed.

Literacy Qualification Held Unconstitutional

A federal court has ruled that North Carolina's literacy qualification for voting is unconstitutional.

The suit was brought by Miss Louise Lassiter, one of a group of Negroes refused registration in Northampton County in the spring of 1956 because they failed to pass the literacy test to the satisfaction of the registrar.

Since the action began, the state legislature, on March 27 of this year, passed a law retaining the literacy examination but providing for an appeal from the judgment of the registrar to the election board and the state courts.

The federal court did not pass on the new law, declaring that its provisions must first be interpreted by the state supreme court.

Southern Baptists Adopt Vigorous Denunciation of Jim Crow Practices

The position taken by the Roman Catholic church in opposition to racial segregation occasioned much stir among laymen in the South. But the clergy has stood firm in defense of the doctrine—although actual integration of church facilities has been slow.

Now another major regional faith, the Southern Baptist, is firmly on record as denouncing "Jim Crow laws." At the church's convention in Chicago, delegates adopted a report from the Christian Life Commission which declared:

1. "In recognition of the Negro's rights as a citizen of these United States, we call upon the law enforcement agencies of local, state and national governments to protect him . . . from lawless attacks upon his person or property."

2. "Discriminatory laws are futile. Jim Crow laws cannot solve the race problem . . . . "

3. "We are witnessing today the betrayal of . . . freedoms by vocal minorities in some communities and churches who are able to enforce the resignation of pastors and incite retaliations against peaceful citizens who speak or act according to their convictions on racial justice and interrracial good will."

4. "Both the voice of God and the verdict of history warn us that those who deny these freedoms to others do not long retain them for themselves."

This frank statement underwrote the previous convention's endorsement of the U. S. Supreme Court's school desegregation decrees.

White supremacists have thus lost another traditional sanctuary. But because the Baptist church gives a large measure of autonomy to individual congregations, no immediate, tangible gains can be expected.

There will be more ugly incidents—such as the cross-burning on the lawn of a church in Sylacauga, Ala. There will be no sudden drop in the numbers of Baptists enrolled in the WCC or the Klan.

Yet no one can deny that the **conscience** of the church has been liberated. Those pastors and laymen who defy bigotry are left less isolated, and those who do not are left to answer to themselves and their God.

Barnes

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tiff's continued connection with the fund and Dr. Dombrowski jeopardized his and the association's relation with the public and its members. No matter how violently one may disagree with another's racial, religious or political views, he can not legally restrain or abridge them in any manner unless they become subversive, treasonable or interfere with or abridge similar right of others.

"It must necessarily be held that since plaintiffs" extracurricular activities and associations were not during working hours, and his conduct and associations were not prohibited by law, but in futherance of his constitutional guarantees of lawful freedom of speech and association, the action of the board of review is reversed and set aside and plaintiff declared entitled to his full employment compensation."

Aubrey W. Williams, president of SCEF, said "The decision was significant because of its bearing upon the practice of some Southern employers of using threats and pressures to prevent employees from publicly supporting integration." Judge Yarrut's decision, said Williams, "will bring much needed support in the South to the beleaguered

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jury trial is inviolate, and is unaffected by the Administration's bill.

In conclusion, we believe that civil rights, the rights of every American citizen to vote, to worship in peace, and to live securely in the home of his choice, are living and present rights. They are entitled to every safeguard which the law can afford. It is wrong that their legal implementation should be restricted, as it now is, to the few situations where a transgression of them is so serious and flagrant that it can be proven, beyond a reasonable doubt, to be the commission of an indictable crime.

Civil Rights

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tion, the Dixiecrats were content—they figured that these jurists, many of them Southern born, would "cooperate."

But then such native sons as Judge J. Skelley Wright, a New Orleanian, and Judge Richard Reeves of Montgomery refused to play the old shell game of delay and obfuscation. And the cry of "judicial tyranny" was born.

freedoms of conscience, belief and association."